

## **REMARKS/ARGUMENTS**

Claims 7-9 and 21-27 are pending in the present application. Claims 7, 8, 21-23 and 25 have been amended herewith. Reconsideration of the pending claims is respectfully requested.

### **I. 35 U.S.C. § 101**

Claims 7-9 and 21-27 stand rejected under 35 U.S.C. § 101 as being directed towards non-statutory subject matter. This rejection is respectfully traversed.

Applicants have amended Claims 7, 21 and 23 as suggested by the Examiner in order to overcome such rejection.

Therefore, the rejection of Claims 7-9 and 21-27 under 35 U.S.C. § 101 has been overcome.

### **II. 35 U.S.C. § 103, Obviousness**

Claims 7, 8 and 23-25 stand rejected under 35 U.S.C. § 103 as being unpatentable over Brisson (U.S. Patent No. 5,678,052), hereinafter “Brisson” in view of Lämmel et al. (Semi-Automatic Grammar Recovery; available July 2001), hereinafter “Lämmel” and further in view of Collier et al. (U.S. Patent No. 5,815,152), hereinafter “Collier”. This rejection is respectfully traversed.

In rejecting claims under 35 U.S.C. Section 103, the examiner bears the initial burden of presenting a prima facie case of obviousness. *In re Oetiker*, 977 F.2d 1443, 1445, 24 USPQ2d 1443, 1444 (Fed. Cir. 1992). Only if that burden is met, does the burden of coming forward with evidence or argument shift to the applicant. *Id.* All words in a claim must be considered in judging the patentability of that claim against the prior art.” MPEP 2143.03; *In re Wilson*, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970). If the examiner fails to establish a prima facie case, the rejection is improper and will be overturned. *In re Fine*, 837 F.2d 1071, 1074, 5 USPQ2d 1596, 1598 (Fed. Cir. 1988). In the absence of a proper *prima facie* case of obviousness, an applicant who complies with the other statutory requirements is entitled to a patent. *See In re Oetiker*, 977 F.2d 1443, 1445, 24 USPQ2d 1443, 1444 (Fed. Cir. 1992). Applicants will now show that the Examiner has failed to establish prima facie obviousness with respect to all pending claims, and thus (1) the burden of proof has not shifted to Applicants to

rebut obviousness, and (2) the obviousness rejection is improper due to such prima facie obviousness deficiency.

With respect to Claim 7, such claim recites “generating, by a software tool executed by a computer, structural text-based representations of the identified portions of the initial graphical representation by applying the pattern mappings associated with the matching features to the identified portions of the graph-based representation”. As can be seen, *structural text-based representations of the identified portions of the initial graphical representation are generated by applying pattern mappings, which are associated with the matching features, to the identified portions of the graph-based representation.*

In rejecting this aspect of Claim 7, the Examiner alleges that Bisson ‘discloses using pattern mappings to create the RR diagram (see figure 3)’. The Examiner thus alleges a teaching of using pattern mappings to *create a graphical representation*. In contrast, Claim 7 recites just the opposite of what is alleged to be disclosed by Bisson. Per Claim 7 the *text-based representation is generated by applying pattern mapping*, whereas per the alleged Bisson *teachings a graphical (RR diagram) is generated using pattern mapping*. Thus, for this reason alone it is urged that Claim 7 has been erroneously rejected as a proper prima facie showing of obviousness has not been established, *In re Fine, supra*. In addition, due to such prima facie obviousness deficiency, the burden of proof has not shifted to Applicants to rebut such obviousness assertion, *In re Oetiker, supra*.

Further with respect to Claim 7, such claim recites “wherein the generated structural text-based representations include feature properties associated with the identified portions of the initial graphical representation such that associated feature properties for each of the identified portions of the initial graphical representation are preserved when exporting the graphical representation to the structural text-based representations”. As can be seen, the structural text-based representations that are generated include feature properties associated with the identified portions of the initial graphical representation such that associated feature properties of each the identified portions of the initial graphical representation are preserved when exporting the graphical representation to the structural text-based representations. *This claimed feature advantageously allows for a converted representation to itself be converted back to its original form without loss of information* (Specification page 2, next to last paragraph).

In rejecting Claim 7, the Examiner fails to address these newly added claimed features that were added per the preliminary amendment filed by Applicants on October 24, 2008. Instead, the Examiner merely relies on the identical language used in rejecting Claim 7 in the Final Office Action dated July 24, 2008 – which did not include this newly added claim feature – in the present rejection of Claim 7. Thus, it is further urged that Claim 7 has been erroneously rejected as a proper prima facie showing of obviousness has not been established, *In re Fine, supra*, due to the Examiner’s failure to address or allege any teaching/suggestion associated with these newly added claimed features. In addition, due to such prima facie obviousness deficiency, the burden of proof has not shifted to Applicants to rebut such obviousness assertion, *In re Oetiker, supra*.

Applicants initially traverse the rejection of Claim 8 for reasons given above with respect to Claim 7 (as Claim 8 has been amended to include the features of Claim 7).

Further with respect to Claim 8, such claim recites “the set of identifiable features and the associated pattern mappings, comprises feature and pattern mapping pairs selected from each of at least five feature and pattern mapping pairs selected from the following set of pairs: i. feature: synchronous/asynchronous processes; pattern mapping: a synchronous process representation comprises a <receive> activity as its input interface, and a <reply> activity as its output interface; an asynchronous process representation comprises a <receive> activity as its input interface, and an <invoke> activity as its output interface; ii. feature: request/response activity; pattern mapping: an <invoke> activity with attributes inputContainer and outputContainer to specify input and output containers assigned to the activity; iii. feature: one-way activity; pattern mapping: an <invoke> activity, with attribute inputContainer and no outputContainer; iv. feature: empty node; pattern mapping: an <empty> activity defined by a naming convention including node name; v. feature: block; pattern mapping: a <scope> activity with two <empty> activities nested within the <scope> activity to represent the input and output nodes in the block; vi. feature: iteration; pattern mapping: a <while> activity having an attribute condition equivalent to the loop condition in the loop node of the iteration; two <empty> activities nested within the <while> activity to represent input and output nodes in the loop body of the iteration; vii. feature: receive event; pattern mapping: a <pick> activity containing <onMessage> structures to define events accepted by the <pick> activity, corresponding to events defined in the receive event; viii. feature: compensation; pattern mapping: a <compensationHandler> structure comprising an

activity within the structure to compensate an execution failure; ix. feature: correlation; pattern mapping: a <correlation> element having a correlation ID defined and referenced by a <correlationSet> element; the <correlation> element being nested within a <receive> activity representing an input node, and within all <pick> activities corresponding to one or more receive event nodes; x. feature: variables; pattern mapping: containers; xi. feature: fault handling; pattern mapping: a <catch> structure containing elements in a fault path if the fault is only thrown once; where the fault is capable of being repeatedly caught and thrown then (a) if thrown internally: a <throw> activity; or (b) if thrown externally: a <reply> activity; and xii. feature: transition condition; pattern mapping: an attribute in a <source> element of a <link> element representing the transition”. As can be seen, per this aspect of Claim 8 the set of identifiable features and the associated pattern mappings that are used in the ‘generating’ steps are further defined.

In rejecting this aspect of Claim 8, the Examiner asserts that Collier teaches a system that allows a user to construct a business process with nodes that include conditionals, send/receive/response actions, and iterations, citing Collier Figures 5, 8 and 11. However, such assertion does not address the ‘pattern mappings’ aspect of Claim 8 (per Claim 8: “the **set of identifiable features and the associated pattern mappings, comprises** feature and pattern mapping pairs selected from each of at least five feature and pattern mapping pairs selected from the following set of pairs”). Instead, such assertion merely establishes an alleged teaching pertaining to the actual ‘nodes’ themselves. Such assertion also fails to address the ‘set of pairs’ aspect of Claim 8. Thus, it is further urged that Claim 8 has been erroneously rejected as a proper prima facie showing of obviousness has not been established, *In re Fine, supra.*, due to the Examiner’s failure to address or allege any teaching/suggestion associated with these claimed features pertaining to: (1) pattern mappings, and (2) feature and pattern mapping pairs. In addition, due to such prima facie obviousness deficiency, the burden of proof has not shifted to Applicants to rebut such obviousness assertion, *In re Oetiker, supra.*

Applicants initially traverse the rejection of Claims 23-25 for similar reasons to those given above with respect to Claim 7.

Applicants further traverse the rejection of Claim 25 for similar reasons to the further reasons given above with respect to Claim 8.

Therefore, the rejection of Claims 7, 8 and 23-25 under 35 U.S.C. § 103 has been overcome.

### III. 35 U.S.C. § 103, Obviousness

Claims 21 and 22 stand rejected under 35 U.S.C. § 103 as being unpatentable over Brisson in view of Lämmel, further in view of Collier, and further in view of Official Notice.

With respect to Claim 21, such claim recites “generating, by a software tool executed by a computer, graphical representations of the identified portions of the initial structural text-based representation by reference to the features associated with the pattern mappings corresponding to the identified portions of the initial structural text-based representation, wherein at least one of the features is fault handling and the associated pattern mapping for the fault handling comprises a catch structure specifying fault name and container, wherein expressions within the identified portions of the initial structural text-based representation are translated to codes and assigned to corresponding elements of the graphical representations, and wherein the generated graphical representations are visually presented to a user”. As can be seen, Claim 21 now includes features pertaining to expressions within the identified portions of the initial structural text-based representation that are translated to codes and assigned to corresponding elements of the graphical representations.

In rejecting Claim 21, the Examiner fails to address these newly added claimed features that were added per the preliminary amendment filed by Applicants on October 24, 2008. Instead, the Examiner merely relies on the identical language used in rejecting Claim 21 in the Final Office Action dated July 24, 2008 – which did not include this newly added claim feature – in the present rejection of Claim 21. Thus, it is further urged that Claim 21 has been erroneously rejected as a proper prima facie showing of obviousness has not been established, *In re Fine, supra*, due to the Examiner’s failure to address or allege any teaching/suggestion associated with these newly added claimed features. In addition, due to such prima facie obviousness deficiency, the burden of proof has not shifted to Applicants to rebut such obviousness assertion, *In re Oetiker, supra*.

Applicants initially traverse the rejection of Claim 22 for reasons given above with respect to Claim 21 (of which Claim 22 depends upon). Applicants further traverse the rejection of Claim 22 for similar reasons to the further reasons given above with respect to Claim 8.

Therefore, the rejection of Claims 21 and 22 under 35 U.S.C. § 103 has been overcome.

**IV. 35 U.S.C. § 103, Obviousness**

Claims 9, 26 and 27 stand rejected under 35 U.S.C. § 103 as being unpatentable over Brisson in view of Lämmel and Collier as applied above, and in further view of Nemer (U.S. Publication No. 2003/0110446).

The rejection of Claim 9 (and similarly for Claims 26 and 27) is initially traversed for similar reasons to those given above with respect to Claim 7.

With respect to Claim 27, such claim recites “the converting of the Java code to the XPath code comprises converting Java snippet nodes, and Java assignment and condition expressions”. In rejecting Claim 27, the Examiner merely asserts that Nemer teaches an object class and a method for converting XML to Java code and Java into XML code. Such assertion fails to address the particular characteristics explicitly recited in Claim 27 that directly pertain to the particular types of Java code that gets converted. None of the cited references teach or suggest (1) converting Java ‘snippet nodes’, or (2) converting Java ‘assignment and condition expressions’, as claimed. Thus, it is further urged that Claim 27 has been erroneously rejected as a proper prima facie showing of obviousness has not been established, *In re Fine, supra*, due to the Examiner’s failure to address or allege any teaching/suggestion associated with these newly added claimed features. In addition, due to such prima facie obviousness deficiency, the burden of proof has not shifted to Applicants to rebut such obviousness assertion, *In re Oetiker, supra*.

Therefore, the rejection of Claims 9, 26 and 27 under 35 U.S.C. § 103 has been overcome.

V. Conclusion

It is respectfully urged that the subject application is patentable over the cited references and is now in condition for allowance. The Examiner is invited to call the undersigned at the below-listed telephone number if in the opinion of the Examiner such a telephone conference would expedite or aid the prosecution and examination of this application.

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Respectfully submitted,

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